

State and Tribal Comments from R10 on  
Goal 1: Clean Air and Global Climate Change

**Monitoring:** Alaska is extraordinarily large state with unique concerns. We need greater monitoring and understanding that colder climate can concentrate air pollutants.

**Suggested modification to NSP:** Place greater emphasis on monitoring in the science objective that supports clean air.

**Comments provided by:** State of Alaska and Native Village of Savoonga

**Address Fine Particulates:** Objective 1, “More People Breathing Cleaner Air” – this objective is notably missing strategic targets for fine particulate. If the PM<sub>2.5</sub> standard is not updated by 2006, EPA needs to commit to getting that done. The current standard is less stringent than called for by the science.

**Suggested modification to NSP:** Set strategic targets specifically for PM<sub>2.5</sub>.

**Comment provided by:** State of Oregon

**Address Clean Areas:** EPA also needs to focus on prevention in clean areas, as required by Title 1, Part C of the Clean Air Act. This is a key issue for the West in general.

**Suggested modification to NSP:** Add sub-objectives or strategic targets that deal with prevention of air quality degradation in clean areas.

**Comment provided by:** State of Oregon

**Refocus EPA’s Air Toxics Program:** It may be time for EPA to refocus its air toxics program. The MACT program allows risk-based off ramps to standards that should be technology-based. We are facing little progress with residual risk and urban air toxics, lack of an air toxics standard for new cars.

**Suggested modification to NSP:** Revitalize strategy for Air Toxics Program.

**Comment provided by:** State of Oregon

**Indoor Air Quality:** The HUD houses that were built in 1970’s were not designed to prevent black mold. This has significant impact on indoor air for our children, who are exhibiting increased asthma rates.

**Suggested modification to NSP:** Indoor air strategies need improvement.

**Comment provided by:** Native Village of Savoonga

**Science and Research:** The existing wording, “Support Air Programs” is unclear. Does this cover monitoring, modeling, or training? We need a more robust discussion of EPA’s goals with respect to the science supporting clean air. We suggest that you address visibility and other air quality-related values. These are significant concerns in the West.

**Suggested modification to NSP:** Add clearer objectives, sub-objectives and strategic targets for science supporting Clean Air and Global Climate Change.

**Comment provided by:** State of Oregon

**Global Warming Needs to be Addressed:** Alaska is experiencing increased temperature and melt. Global warming sources need to be addressed.

**Comment provided by:** Native Village of Savoonga.

**Need to Align Measures among States, Tribes, Locals and EPA:** Inherent in EPA's stated desire for greater alignment, joint planning, and coordination is the need for many jurisdictions to share similar measurements and use them to adaptively manage their programs. Idaho is moving away from the traditional bean counting to focus on performance and efficiency measures. EPA should consider the following measurements for air: (1) Number of days, as measured by the Air Quality Index, that air is in the healthy category; (2) Number of days ambient monitoring demonstrates compliance with NAAQS; (3) Percentage of Inspection reports returned to a facility within 30 days; (4) Percentage of Permits to Construct issued within required timelines, after completeness is determined.

**Suggested modification to the NSP:** Consider incorporating these measures into the NSP.

**Comment provided by:** State of Idaho

**Fund a full field study for the Alaska Rural Diesel Health Assessment project:** The goals and strategies in the 2003 Strategic Plan address national problems, but there are a number of unintended consequences for the State of Alaska, because Federal programs do not adapt easily to Alaska. Impacts from diesel in rural settings do not appear to be high on the national agenda, but are of significant concern in Alaska, where diesel energy and heat generation are widespread and have large potential human health impacts.

**Suggested modification to the NSP:** Fund a full field study for the Alaska Rural Diesel Health Assessment project in FY07.

**Comment provided by:** State of Alaska

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**How Information Was Gathered:** In July, information on this exercise was presented at the Regional Tribal Operations Committee Meeting. In August, the Acting Regional Administrator sent letters to all the Directors of the State Environmental Programs and all Tribal Leaders requesting input on EPA's National Strategic Plan. Additionally, Region 10 GAP-grant coordinators transmitted similar requests to their tribal contacts. In September, this exercise was discussed at the Pacific Northwest Directors meeting that includes all the Directors of the State Agencies, Region 10's Regional Administrator and Director of the environmental programs for the Province of British Columbia and representatives from Environment Canada.

## State and Tribal Comments from R10 on Goal 2: Clean and Safe Water

**Monitoring:** The Environmental Monitoring and Assessment Program (EMAP) should reflect the fact that Alaska occupies 20% of the nation's land base, 40% of the nation's surface water, more than half the nation's coastline and contains half of the nation's wetlands. The federal coastal conditions report on the health of the nation's waters cannot be complete without data from Alaska.

**Suggested modification to the NSP:** (1) EPA's 2006 Strategic Plan needs to target completion of "baseline conditions" of the nation's waters by prioritizing baseline and ongoing water quality monitoring in Alaska; (2) The funding for this program should reflect the need for establishing initial baselines and monitoring environmental conditions in the State of Alaska and should be proportional to the land and water under Alaska's jurisdiction; and (3) Science objective supporting Clean and Safe Water should focus on groundwater monitoring protocol for extremely cold climates, where thaw and run-off can have severe impacts on monitoring.

**Comment provided by:** State of Alaska and Native Village of Savoonga

**Greater Recognition of Regional Variability and Need to Address Regional Issues:** There needs to be a greater recognition on EPA's part of the importance of state and regional initiatives and their measures. For example, in Idaho, recovery of bull trout and salmonid species are prime environmental objectives. Rather than focus solely on broad national measures, such as watershed improvements based on 8 digit HUCs, there should be a way for the national program to credit more regionally targeted work. A lot of watershed or species recovery work takes a long time to show progress. Those who understand the inputs into a waterbody could see improvements in sediment control, lowering of nutrients, etc. While it may take some time to meet a goal, on a local level, you can see whether the data are trending towards that goal long before the goal is achieved. The national goals may be too broad a measure for much of this work. There needs to be a way that real environmental improvement on a local level can be acknowledged and credited on the national level.

**Suggested modification to the NSP:** EPA needs to recognize regional priorities and provide environmental measures that reflect that watershed and species recovery may take time.

**Comment provided by:** State of Idaho

**Modify wetlands protection policy:** The current Wetlands protection policy needs to recognize that the Clean Water Act has specific jurisdiction over certain wetlands and that other wetlands are managed solely under State of Alaska law. In the spring of 2003, the EPA and the Corp of Engineers issued an Advance Notice of Proposed Rulemaking to make clear the CWA jurisdiction over wetlands and other waters. In November of 2003, the agencies suspended this rulemaking. The Governor of the State of Alaska has requested that EPA complete this rulemaking effort clarifying when federal jurisdiction may or may not be claimed. The "no net loss of wetlands" strategy needs to be modified to recognize this jurisdiction issue. In addition the strategic plan should recognize the need for funding a program to protect and manage wetlands in Alaska under the State Programmatic General Permit (SPGP) Program.

**Suggested modification to the NSP:** EPA should clarify jurisdictional issues over wetlands in its wetlands protection policy, and commit to funding a program to protect and manage wetlands in Alaska.

**Comment provided by:** State of Alaska

**TMDL Implementation:** Need greater focus on implementation of Total Maximum Daily Loads (TMDLs). EPA and states need to work together to develop a more holistic implementation strategy that goes beyond EPA's limited regulatory tools and grant authority to bring more stakeholders and funding agencies to the table. We are compiling an inventory of implementation techniques that are being used in the four Region 10 states. We will also identify and compile the list of issues that states are encountering as they implement TMDLs or take steps to encourage nonpoint sources to implement already established BMPs. Coordination, outreach and continued discussion are key.

**Suggested modification to NSP:** National Strategic Plan should acknowledge that this is an emerging priority for Region 10.

**Comment provided by:** From the joint state-EPA work currently being funded by the ECOS grant. Partners consist of all four states in Region 10 and the EPA regional office.

**NPDES Permit and Compliance Program:** As the State of Alaska heads towards primacy of the NPDES permit and compliance program, our concern over the current EPA backlog of NPDES permits increases. The Draft Regional Commitments document includes a target for state-issued NPDES permits to be current (75%), but does not include a target for permits issued by EPA in non-primacy states. Taking on the NPDES program from the EPA is an enormous undertaking and in order for the State of Alaska to be successful, the state cannot inherit a huge permit backlog at the beginning of the program implementation.

**Suggested modification to NSP:** EPA strategic plan should include catching up on the existing permit backlog in delegated or non-delegated states where EPA implements the program.

**Comment provided by:** State of Alaska

**Ineffective Measure:** “Waterbodies identified in 2000 as not attaining water quality standards are fully attained.” The perceived improvement in water quality based on this measure is more an artifact of the methodology for extracting this data from Oregon’s 303(d) list than a true achievement of improvements over the past year. Additionally, we see two main problems with the measure: 1) given the widespread temperature problems in Oregon, and the long-term nature of the resolution of this, and other nonpoint source pollution problems, improvements cannot be shown in near term; 2) while we may make progress on some pollution problems within a waterbody, this measure sets the overreaching goal of meeting ALL water quality standards.

**Suggested modification to NSP:** Revise measure to incorporate adaptive management concepts. EPA could establish a series of submeasures that track various stages of adaptive management. Example: Stage 1 - assessment (TMDL or other analysis); Stage 2 – Development of water quality improvement plan (or watershed restoration plan); Stage 3 – Quantitative measure of progress which could include progress which could include surrogates (such as miles of restored riparian habitat or other quantitative measure of BMP implementation); Stage 4 – measurable water quality improvement; Stage 5 – Achievement of standard.

**Comment provided by:** State of Oregon.

**Underground Injection Control measures:** (SDW-12a, SDW-12b, SDW-12d: “Percentage of Class I / II / V wells identified in significant violation that are addressed by the UIC program”) Oregon has been voicing concerns to both Region 10 and Headquarters about these measures since they were first proposed over a year ago, but have not seen anything change. The terms “significant” and “addressed” are inadequately defined, and the performance measures imply that the state should undertake a full inventory of UICs. A better use of the state’s very scarce resources for this program would be a more strategic, risk-based approach to managing UIC’s throughout the state.

**Suggested modification to the NSP:** Modify measures used to assess UIC program effectiveness. Promote a strategic, risk-based approach to managing UIC’s throughout the state/ nation.

**Comment provided by:** State of Oregon

**Need to Align Measures among States, Tribes, Locals and EPA:** Inherent in EPA’s stated desire for greater alignment, joint planning, and coordination is the need for many jurisdictions to share similar measurements and use them to adaptively manage their programs. Idaho is moving away from the traditional bean counting to focus on performance and efficiency measures. EPA should consider the following measurements for water: (1) Percentage of stream miles meeting water quality standards and beneficial uses; (2) Percentage reduction of nitrate levels in all monitoring wells exceeding the groundwater quality standard within nitrate priority areas that have completed management plans; (3) Percentage of funded watershed projects finished on time and within budget, (4) Percentage of sanitary survey inspection reports returned to a facility within 30 days.

**Suggested modification to the NSP:** Consider incorporating these measures into the NSP.

**Comment provided by:** State of Idaho

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**How Information Was Gathered:** In July, information on this exercise was presented at the Regional Tribal Operations Committee Meeting. In August, the Acting Regional Administrator sent letters to all the Directors of the State Environmental Programs and all Tribal Leaders requesting input on EPA’s National Strategic Plan. Additionally, Region 10 GAP-grant coordinators transmitted similar requests to their tribal contacts. In September, this exercise was discussed at the Pacific Northwest Directors meeting that includes all the Directors of the State Agencies, Region 10’s Regional Administrator and Director of the environmental programs for the Province of British Columbia and representatives from Environment Canada.

## State and Tribal Comments from R10 on Goal 3: Land Preservation and Restoration

**Need for funding and technical support to Tribes to develop comprehensive wastewater, sewage, solid and hazardous waste systems:** In 2003 the full board of the Yukon River Inter-tribal Watershed Council (YRITWC) came together to update its strategic plan by consensus. The most relevant and important goal within our strategic plan states: we will provide information and key support to communities within the Yukon River watershed to develop and implement comprehensive wastewater, sewage, solid and hazardous waste systems and plans leading to affordable and appropriate improvements.

In order to effectively implement this very important goal, we require the long term commitment of the EPA in providing necessary funding and technical support for tribes to be successful. We have established a five year waste plan and would greatly appreciate it if EPA would consider including these components in your long term strategic planning. Recommended key components are:

- Provision of education and key assistance to tribes and relevant agencies;
- Facilitation of key partnerships;
- Development of integrated waste management plans (IWM) plans;
- Funding of the ongoing inventory and needs assessments of solid and hazardous waste, water and sewer systems;
- Facilitation of community-based information exchange;
- Promotion of practical solutions and approaches, and;
- Funding to support appropriate storage, disposal, transport and handling of hazardous and solid wastes.

**Suggested modification to the NSP:** Modify NSP to create a tailored discussion of tribal waste needs, and commit to long-term and dependable funding of a comprehensive wastewater, sewage, solid and hazardous waste system.

**Comment provided by:** The Yukon River Inter-tribal Watershed Council, which is a consortium of sixty-two (62) tribal governments that came together in 1997.

**Need to address Waste Disposal Issues:** The Federal Air Rules for Reservations (FARR) applies within the exterior boundaries of 39 Indian Reservations in Idaho, Oregon and Washington. These federal regulations prohibit burning of most types of wastes. For many reservations, solid waste was dealt with by citizens using burn barrels for daily household wastes. With FARR now in place, there has been a tremendous impact on the underdeveloped tribal solid waste systems. Tribal collection systems now have an influx of solid waste they've not dealt with before, nor are prepared to deal with. A situation of this nature has lent itself well to illegal and open dumping, and tribes are now finding additional wildcat, or illegal, dumping sites. Many of open dumping areas, and illegal dumping areas, can be found near bodies of water providing a rapid conduit for water contamination which inevitably affects public health and the health of wildlife used for sustenance for many tribal communities.

Regardless of the FARR, Tribes throughout the TSWAN constituency are all dealing with issues of solid waste handling, management, and systematic approaches. Objective 1 under the goal of Preserve and Restore Land cites waste reduction and recycling, but makes no mention of disposal. The vast majority of our tribes have disposal issues, which we will outline below.

- Open dumping is a historical problem for reservations. Attempts have been made by the tribes and by other agencies to identify open dumps on the reservations, but the landscapes are ever changing with new dumping grounds being discovered on a regular basis. Even once identified, there is no virtually no money to rid the property of waste, let alone remediate if necessary. Additionally, reservations have found they've been home to dumping from outside of the reservation boundaries. The cost of solid waste disposal in suburban areas has been a driver for non-tribal members dumping on reservation land. Once inside the reservation, it becomes the problem of the tribe and enforcement has no effect.
- Tribal communities are rapidly becoming the breeding grounds for drug manufacturing by mobile drug labs. Since outside police sources cannot make their way onto reservations without invitation from the tribe, and since most tribal police forces are grossly understaffed, illegal drug manufacturers are finding reservations a haven for escaping and eluding law enforcement. The problem created is sites containing high levels of contamination, more illegal dumping, and no tribal dollars to adequately address the problem of how to rid the land and environment of infectivity.

- Most tribes are shifting solid waste disposal systems to a transfer station/longhaul scenario. While there appears to be more ample funding available for design and construction of these facilities, there is a tremendous void in funding for closure of dumpsites once transfer services are made available. Without proper closure of existing open landfills, there exists a strong potential for further contamination and health risks.

**Suggested modification to the NSP:** In consideration of the explanations provided above, it is important that under the goal of Preserve and Restore Land, Objective 2 (Restore Land) a distinct objective be inserted to address the burning issue of cleaning open dumping areas and illegal dumping areas, and proper closure of landfills.

**Comment provided by:** The Tribal Solid Waste Advisory Network (TSWAN), which is a non-profit organization of federally recognized tribes throughout the Pacific Northwest and Alaska who work together to make effective and environmentally responsible solid waste management a priority on our reservations and in our community. One of our primary goals is to work towards sharing technical expertise, information, and opportunities with one another. Our membership includes 20 member tribes and/or tribal consortia.

**Need to Align Measures among States, Tribes, Locals and EPA:** Inherent in EPA's stated desire for greater alignment, joint planning, and coordination is the need for many jurisdictions to share similar measurements and use them to adaptively manage their programs. Idaho is moving away from the traditional bean counting to focus on performance and efficiency measures. EPA should consider the following measurements for waste: (1) Percentage of solid waste management facilities sited and reviewed within required timeframes; (2) Percentage of contaminated sites being actively remediated or under a cleanup schedule; (3) Percentage of known abandoned mines assessed for toxic contamination; (4) Percentage of known mine source releases being controlled; (5) Number of Brownfield sites made available for productive use; (6) Percentage of known hazardous waste handlers inspected; (7) Percentage of time-critical or scheduled hazardous waste permits and/or reviews completed within established timeframes

**Suggested modification to the NSP:** Consider incorporating these measures into the NSP.

**Comment provided by:** State of Idaho

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**How Information Was Gathered:** In July, information on this exercise was presented at the Regional Tribal Operations Committee Meeting. In August, the Acting Regional Administrator sent letters to all the Directors of the State Environmental Programs and all Tribal Leaders requesting input on EPA's National Strategic Plan. Additionally, Region 10 GAP-grant coordinators transmitted similar requests to their tribal contacts. In September, this exercise was discussed at the Pacific Northwest Directors meeting that includes all the Directors of the State Agencies, Region 10's Regional Administrator and Director of the environmental programs for the Province of British Columbia and representatives from Environment Canada.

## State and Tribal Comments from R10 on Goal 4: Healthy Communities and Ecosystems

**Elevation of Puget Sound in National Agenda:** The Puget Sound Basin is one of the most ecologically diverse in North America, containing a wide range of internationally significant species and habitats. The diversity of habitats and high productivity associated with saltwater-freshwater mixing occurring across such a large protected water body creates exceptional biological diversity and productivity. Puget Sound merits national attention and protection similar to that granted to the Gulf of Mexico, Chesapeake Bay or the Great Lakes. Facing expanding population pressures, a complex mix of non-point and point pollution sources, multiple governmental and private jurisdictions, the Puget Sound ecosystem is emblematic of ecosystem concerns facing the United States and Canada.

**Suggested modification to NSP:** Create specific Puget Sound sub-objective in 4.3

**Comment provided by:** State of Washington

**Revision of TSCA Implementation:** The federal system of regulating chemicals is inadequate. Thousands of chemicals have not been adequately assessed for human health impacts. Many states are looking to regulate Persistent, Bioaccumulative and Toxic chemicals because the federal regulatory system has too many loopholes. EPA has no health data for 85% of the 18,000 chemicals introduced into use since the 1970's.

The Washington State Departments of Ecology and Health are currently involved in an initiative to reduce the impact of persistent, bioaccumulative toxics (PBTs) in the environment. As part of this initiative, Washington's agencies have developed a chemical action plan to address polybrominated diphenyl ether (PBDE) flame retardants. In assessing possible alternatives to the only PBDE flame retardant still in use, Deca-BDE, Ecology and Health determined that alternatives already in use have very limited data with which to confidently determine whether they are better than Deca-BDE. This lack of information on Deca-BDE alternatives, presumed by many users to be a better choice, highlights the need for better implementation of TSCA with respect to up-front data collection.

One valuable tool that EPA could employ to improve its ability to collect data under TSCA would be a requirement for environmental and biomonitoring of chemicals that meet a certain criteria of risk. Such criteria would be based on existing definitions of PBTs already in place. Any such new rule should specifically require biomonitoring of workers potentially exposed during manufacture/use of the chemical. The benefits of such a requirement under TSCA are illustrated by the recent example of perfluorooctanoic acid which was detected by the 3M Corporation in the blood of their workers causing an immediate response from the company. Any new rulemaking along this line would need to require, if not already required under TSCA, that companies immediately provide these data to EPA.

**Suggested modification to NSP:** Modification of Goal 4, Objective 1: Chemical, Organic and Pesticide Risks. Create a better strategy for assessment on toxins, which includes environmental and worker biomonitoring under the Toxic Substances Control Act.

**Comment provided by:** State of Washington

**Agriculture:** Need greater focus on environmental issues of common concern to EPA, state environmental agencies, and state agriculture agencies. Senior managers from each of these agencies and Region 10 will meet twice a year, focusing on a single topic per meeting to discuss the problem, clarify roles and responsibilities, and identify new solutions. Topics identified so far include water quality and TMDL implementation, air quality and agricultural burning, and pesticides and legal issues with designation of waters of the US.

**Suggested modification to NSP:** National Strategic Plan should acknowledge that this is an emerging priority for Region 10.

**Comment provided by:** From the joint state-EPA work currently being funded by the ECOS grant. Partners consist of all four states in Region 10 and the EPA regional office.

**Toxics in the Columbia River:** We need greater focus and coordination on issues relating to toxins in the Columbia River. The joint workgroup will identify the major toxics problems and cleanup efforts to date in three major sections of the Columbia River. Partnerships between EPA, state, tribal and other agencies will be formed to identify and resolve major unaddressed toxics problems, and to establish specific environmental outcomes and goals for toxics reductions in fish, sediment and ambient water. Challenges to be overcome include effective strategies and implementation leadership for the major river segments, public outreach, and obtaining sufficient resources.

**Suggested modification to NSP:** National Strategic Plan should acknowledge that this is an emerging priority for Region 10.

**Comment provided by:** From the joint state-EPA work currently being funded by the ECOS grant. Partners consist of all four states and relevant Tribal leadership in Region 10 and the EPA regional office.

**Energy Generation & Conservation:** Need to lessen our reliance on petroleum and nuclear power sources. Need to promote energy conservation, wind turbine energy production, and alternative energy sources.

**Suggested modification to NSP:** Add this strategy to Goal 4.

**Comment provided by:** Traditional Village of Togiak

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## State and Tribal Comments from R10 on Goal 5: Compliance and Environmental Stewardship

**Enforcement and Compliance is a Tool:** Similar to ECOS's comment, the State of Oregon would favor moving the enforcement and compliance elements to the other four existing goals – Air, Water, Land and Healthy Communities and Ecosystems. This revision would link critical compliance and enforcement functions more closely to monitoring, inspecting, permitting, rulemaking and standard setting for each relevant program contained in the other four goals and would provide essential tools for achieving the environmental ends that we seek.

**Suggested modification to NSP:** Put enforcement & compliance elements in other four goals.

**Comment provided by:** State of Oregon.

**Strengthen regional, state and tribal planning:** This is especially important in Alaska, where building tribal capacity must be addressed in concert with the unique environmental and governmental situation of Alaska's tribes.

**Suggested modification to NSP:** Greater emphasis on regional, state and tribal planning.. Savoonga suggests that contacts with state and federal agencies is a measurable outcome – this includes conferences and problem-solving meetings)

**Comment provided by:** State of Alaska, Native Village of Savoonga

**Establish balance between man and nature:** Need to recognize the importance of achieving the balance between natural environment and what humans create. When the natural environment has been pushed to acceptable limit, we should back off if it pushes back.

**Suggested modification to NSP:** NSP should reflect a more holistic understanding of environmental stewardship.

**Comment provided by:** Traditional Village of Togiak.

**Natural Disasters:** Our stewardship of environment requires us to address implications of natural disasters and natural disaster preparedness. Additionally, we need more discussion of Emergency Planning and Preparedness. Emergency Planning and Preparedness seems to be buried in the 2003 version of the plan.

**Suggested modification to NSP:** Homeland Security does not adequately address preparedness for natural disasters. Either in Goal 5 or an addition to Homeland Security issues, add this as an objective.

**Comment provided by:** State of Idaho and Traditional Village of Togiak

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